

John Steelman ID# D-30388  
Folsom State Prison 1-C4-02  
P.O. Box 950  
Folsom, CA 95763

**ORIGINAL**

**FILED**

MAR 03 2008

FILED  
CLERK  
NORTHERN DISTRICT OF CALIFORNIA

No. 45878

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

GILMORE

Plaintiff-Appellant,

V.

PEOPLE OF THE STATE OF  
CALIFORNIA

Defendant-Appellee.

)  
) CASE NO. \_\_\_\_\_  
)  
) MOTION TO SEEK  
) ADMINISTRATIVE RELIEF  
) IN ACCORDANCE WITH  
) LOCAL RULES OF COURT  
) CIVIL L.R. 7-11  
)

MOTION TO SEEK ADMINISTRATIVE RELIEF  
IN ACCORDANCE WITH  
NORTHERN DISTRICT LOCAL RULES OF COURT  
CIVIL L.R. 7-11

John Steelman ID # D-30388  
Folsom State Prison 1-C4-02  
P.O. Box 950  
Folsom, CA 95763  
Pro se

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)

Comes now John Steelman, movant in this matter, and respectfully asks that as soon as it may please the Court, to schedule this matter to be heard, on date: \_\_\_\_\_, at the time of \_\_\_\_\_, and before the Honorable Judge of this Court \_\_\_\_\_, that this motion may be heard and resolved.

Movant, a state prisoner proceeding pro se, is a member of the plaintiff class in which the above case has been decided and consent decrees stipulated to by the parties.

Movant respectfully submits this motion to seek administrative relief in the above entitled case. This motion, with attached declaration of movant and exhibits is authorized by Civil L.R. 7-11 of

1 this District Court, and complies with Civil L.R. 7-11 except that  
2 movant - an incarcerated state prisoner - has delivered the motion  
3 and attachments via prison legal mail procedures as stated in the  
4 enclosed proof of service.

5 Movant invokes the protection afforded by this court in its Order  
6 Settling and Dismissing Action, Sept. 28, 1978, stating that the  
7 above named action shall be dismissed "subject to the right of  
8 plaintiffs to file a petition with this court to seek enforcement  
9 with the provision of this Court's order of October, 16, 1972.

10 Movant submits that he has been prevented from seeking redress in  
11 the courts from a violation of state and federal constitutional pro-  
12 tections due to deliberate indifference, dilatory and obfuscatory  
13 tactics by the California Department of Corrections and Rehabilita-  
14 tion (CDCR), and that these tactics have been routinely practiced  
15 since movant's arrival at Folsom State Prison in February 2003.

16 Movant's declaration will detail the specific discrepancies and  
17 their effect, and movant's exhibits will substantiate the claim that  
18 the CDCR has been aware of these deficiencies for several years.

19 Movant will show that the Inmate Appeal process has been ineffec-  
20 tive in achieving any reasonable resolution in this matter, and is  
21 used to further hamper, impede, and delay his ability to seek the  
22 limited review of alleged violations afforded him.

23 Movant avers that the CDCR is, and has been, in direct violation  
24 of this Court's Orders and stipulated consent decrees for years, and  
25 has now created a "core Bounds violation," as stated in Bounds v.  
26 Smith, 430 U.S. 817 (1977) and Lewis v. Casey, 518 U.S. 343 (1996).  
27

Movant has no other recourse to seek reasonable relief and remedy to the alleged violations stated herein, except to seek this Court's intervention by invoking the procedures afforded under this Court's 1979 Order, and Civil L.R. 7-11.

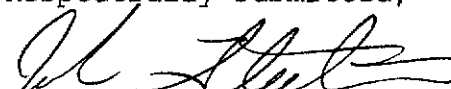
Movant respectfully asks for the Court's intervention by requesting an order for the following relief:

1. The California Department of Corrections and Rehabilitation (CDCR) identify all out-of-date, lapsed subscription items, and missing mandated "Gilmore Collection" legal materials at Folsom State Prison, and immediately purchase and make same available to movant and all similarly situated prisoners.
2. That the CDCR explain the repeated delays in purchase and subscription renewal of mandated "Gilmore Collection" material to the Court and movant, in light of reports submitted to CDCR Headquarters and Principle Librarian for over two years from Folsom State Prison.
3. That the CDCR and Prison Law Office explain to the Court and movant, the lack of oversight that has allowed the CDCR to neglect purchase and subscription renewal of mandated "Gilmore Collection" material over the past several years at Folsom State Prison.
4. That the CDCR Principle Librarian shall personally notify the Court and movant of compliance with this Order, and
5. That this Court shall retain jurisdiction and oversight of this matter in light of CDCR's demonstrated recalcitrance to comply with this Court's orders in this matter, and their own stated rules and regulations.

Date:

**FEB 28 08**

Respectfully submitted,



John Steelman D-30388 pro se

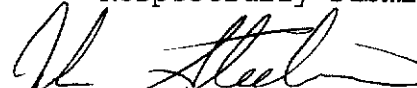
**VERIFICATION**

I am the movant in the above entitled action. I declare under penalty of perjury that the above statements are true and correct.

Date:

**FEB 28 08**

Respectfully submitted,



John Steelman D-30388 pro se

PROOF OF SERVICE BY MAIL

GILMORE )

Plaintiff-Appellant, )

v. )

CASE NO. \_\_\_\_\_

PEOPLE OF THE STATE OF )

CALIFORNIA )

Defendant-Appellee )

I, John Steelman, am a resident of Folsom State Prison, in the County of Sacramento, State of California. I am over the age of 18 years, and I am a party to this action.

On FEB 28 00, I served the following document(s):

MOTION FOR LEAVE TO PROCEED PRO SE - OR - MOTION TO APPOINT INDEPENDENT COUNSEL

MOTION TO SEEK ADMINISTRATIVE RELIEF IN ACCORDANCE WITH LOCAL RULES OF COURT CIVIL L.R. 7-11

DECLARATION OF JOHN STEELMAN AND MEMORANDUM OF LAW TO SUPPORT MOTION SEEKING ADMINISTRATIVE RELIEF UNDER LOCAL RULE L.R. 7-11


PROPOSED ORDER AND DECLARATION OF JOHN STEELMAN ON LACK OF STIPULATION IN ACCORDANCE WITH CIVIL L.R. 7-11

To the below listed parties by placing true copies of the document(s) in a sealed envelope with postage paid or affixed, in the United States Mail via prison Legal Mail procedures, addressed as follows:

United States District Court, Northern District of California,  
U.S. Courthouse, 450 Golden Gate Ave., San Francisco, CA  
94102-3483

Prison Law Office, Attn: Donald Spector, General Delivery, San  
Quentin, CA 94964

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 28<sup>th</sup> day of FEBRUARY, 2008,  
at Folsom Prison, California.

  
John Steelman, D-30388